

MINUTES
Regular Meeting of the College Park City Council
Tuesday, October 23, 2012
7:30 p.m. – 9:28 p.m.

PRESENT: Mayor Fellows; Councilmembers Kabir, Catlin, Dennis, Stullich (arrived at 7:33 p.m.), Day, Afzali and Mitchell.

ABSENT: None.

ALSO PRESENT: Joe Nagro, City Manager; Janeen Miller, City Clerk; Suellen Ferguson, City Attorney; Chantal Cotton, Assistant to the City Manager; Terry Schum, Director of Planning; Bob Stumpff, Director of Public Works; Joshua Ratner, Student Liaison.

Mayor Fellows opened the meeting at 7:30 p.m. Councilmember Wojahn led the Pledge of Allegiance.

Minutes: A motion was made by Councilmember Day and seconded by Councilmember Wojahn to adopt the minutes of the October 9, 2012 Public Hearing and the October 9, 2012 Regular Meeting. The motion passed 7 – 0 – 0.

Announcements:

Councilmember Kabir announced the various events that will be held at College Park Day on Saturday, October 27 from 11 a.m. – 3 p.m. at the College Park Community Center.

Councilmember Wojahn thanked the College Park Day event planner, Denise Seifried, and also discussed details of the day. He pointed out that Early Voting begins on Saturday at the same location as College Park Day.

(Councilmember Stullich arrived)

Amendments to the Agenda: None.

City Manager's Report: Mr. Nagro announced that the "Halloween Thing" will be held at Youth and Family Services at 10:00 a.m. on Saturday, October 27. The Resident Survey is available on-line; the response deadline is November 9. Tuesday, November 6 is Election Day and is a City holiday; trash and recycling on Tuesday and Wednesday will move back one day that week. The Four Cities meeting will be held tomorrow night in Greenbelt. Next Thursday is in-service training for Public Works – they will be driving the snow routes.

Student Liaison's Report: Mr. Ratner said the Student Government Association is interested in being involved in the College Park Academy. The SGA is holding a Dream Act Rally on Thursday at 4:00 p.m.

Comments from the Audience on Non-Agenda Items:

Martin Klapac, 4805 Harvard Road: Discussed on-going problems with people who live at 4809 Harvard Road, 4810 Harvard Road, and 7211 Dartmouth Avenue that the City does not do anything about. He has been attacked on his own property, his house has been broken into and streets are blocked by drunk students. The Council has lost control of the City. He is now armed to protect his family.

Charles Sarahan, Box E, College Park: He discussed his concerns about federal legislation that is harmful to senior citizens. Term limits should be in place for all politicians.

Bob Schnabel, 7400 Dartmouth Avenue: The experiences conveyed by Mr. Klapac are very prevalent in Old Town and Calvert Hills. Most of the Council does not live in neighborhoods where this exists. The City only responds to complaints and is not proactive. People leave because of these problems. The Council needs to pay more attention to what is going on.

Kathy Bryant, 7406 Columbia Avenue: She told Council details about when her house was broken into by a student four years ago. Her door has not yet been repaired because she is in an Historic District. People who don't live there don't understand the problems.

Councilmember Stullich read an e-mail she received from Mr. Klapac about the problems he encountered and made comments.

Presentation: Mayor Fellows introduced Kim Kaplan, Dana Jackson and John Jensen from the Beltsville Agricultural Research Center who explained the clean-up activities planned for the low level radiation burial site at BARC.

Consent Agenda:

A motion was made by Councilmember Kabir and seconded by Councilmember Mitchell to adopt the Consent Agenda, which consisted of the following item:

12-G-113 Approval of a purchase from Johnson Truck Center for a 37,700 pound GVWR (Gross Vehicle Weight Rating) 2013 Freightliner M2 106 Chassis with a Dump Body, a V-Box Salt Spreader, and a Snow Plow in the amount of \$148,482.00

The motion passed 8 – 0 – 0.

Action Items:

12-G-114 Support of Detailed Site Plan 10028 for the Maryland Book Exchange property subject to conditions.

A motion was made by Councilmember Catlin and seconded by Councilmember Kabir to support detailed site plan 10028 for the Maryland Book Exchange property subject to conditions, which he read.

Councilmember Catlin said this project has been the subject of intense interest and activity. The City Council originally recommended denial of the Detailed Site Plan (DSP) in December 2011. The Prince George's County Planning Board approved the DSP in January 2012 and the City requested oral argument before the District Council. Oral argument was held in July 2012 and resulted in a remand order to the County Planning Board. The County Planning Board held another public hearing in September 2012 and issued a resolution approving a revised DSP with conditions. Subsequent to the Planning Board decision, the applicant approached the City to seek a compromise on the design of the project. The form and massing and several architectural details of the building were changed to address City concerns. These conditions represent the position that the City and the Applicant have agreed to and will present before the District Council at the Public Hearing on October 30, 2012.

Comments from the audience:

Kathy Bryant, 7406 Columbia Avenue, President, Old Town Civic Association: She read a letter from the OTCA into the record. At their October 15, 2012 meeting, the OTCA voted to continue their opposition to the proposed development, and asked the City Council do the same. The stress of having so many students walking around late at night is a painful situation for the long-term residents.

Bob Schnabel, 7400 Dartmouth Avenue: He does not believe this project meets the Sector Plan requirement because the Sector Plan says the three stories should be directly across from residential property which is 150 feet from the Yale Avenue intersection, not 100 feet. The Sector Plans illustrations did not depict one large building, but at least two smaller buildings.

Michelle LaRocca, Myers, Rodbell, representing the applicant: She stated that the applicant will represent their support for these conditions to the District Council. The applicant is requesting that condition #2 be amended to read "...not to exceed 287 units and 855 beds." The Planning Board resolution only dealt with the number of units, not the number of beds. The number of 287 units comes from the redesign they have done to the side where the studio and one-bedroom units were located.

Councilmember Wojahn said the issue is not whether this is the ideal project for the location but rather whether it complies with the Sector Plan. He believes the current proposal meets the requirements.

Councilmember Stullich said the proposal is deeply troubling to the community that is going to have to live with it for many years. No other neighborhood in College Park has to face a building of this scale. We do need student housing but the best location is on the west side of Route 1. Even student housing at this site did not have to be proposed in such an extreme way. The Sector Plan shows examples of what "step down through the block" looks like and it shows much more moderate development. This compromise is an improvement but is still massive and inappropriate.

Councilmember Day will not support the motion. The concept in theory is what we are looking for, but this is not the place for a building of this size.

Councilmember Afzali will reluctantly support the motion. It is important to correctly label the history – this is a developer who did not want to compromise with the City or the community. They tried to push through a project that did not meet the Sector Plan. This is not a compromise of good will; it is a compromise of economic pragmatism. He has found the developer's actions troubling, but he believes support for the motion is in the best interest of the City.

Amendment #1: A motion was made by Councilmember Afzali and seconded by Councilmember Dennis to amend condition #2 to read "...not to exceed 287 units and 855 beds."

Ms. Schum said staff has no objection to this amendment to the condition.

Vote on Amendment #1: 6 – 1 – 1 (Stullich abstained; Day opposed). The amendment passed.

The amended motion now reads:

That the City Council support Detailed Site Plan 10028 for the Maryland Book Exchange project at a Public Hearing of the Prince George's County District Council on October 30, 2012, if the Detailed Site Plan is subject to the following conditions:

- 1. The conditions contained in Amended Resolution No. 12-06 (A) of the Prince George's County Planning Board (PGCPB) noted as 1. a. b. c. d. e. f. g. h. i. j. k. l. m. n. p. q. r., 2. a. b. c., 3., 4. a. b. c. d., 5., 6. a. b., 7. a. b. c. d., 9., 10., 11., 12. and 13 shall be retained.**
- 2. Condition 1.o. of PGCPB No. 12-06 (A) shall be revised to reflect the number of units proposed, not to exceed 287 units and 855 beds.**
- 3. Condition 2. d. of PGCPB No. 12-06 (A) shall be revised in its entirety per Attachments 1 and 2 dated October 19, 2012 to indicate that the building along College Avenue shall transition from 6 stories to 5 stories approximately 182 feet from the Yale Avenue right-of-way and shall transition from 5 stories to 3 stories approximately 100 feet from the Yale Avenue right-of-way per Attachment 5 dated October 19, 2012. The number of stories surrounding the easternmost courtyard measured from the courtyard level shall be 4 stories on the north, 4 and 2 stories on the south, 2 stories on the east and 4 stories on the west per Attachments 1 and 2 dated October 19, 2012.**
- 4. Condition 2.e. of PGCPB No. 12-06 (A) shall be revised in its entirety to require revised architecture that provides fenestration and architectural detailing for the exposed 4th, 5th and 6th stories per Attachments 1 and 2 dated October 19, 2012. Above the courtyard level, the facades facing north and south on the easternmost courtyard and the 4th and 5th stories facing east above the 3-story portion of the building shall be brick per Attachments 1 and 2 dated October 19, 2012.**

5. **Condition 2.f. of PGCPB no. 12-06 (A) shall be revised to require that a copy of the final elevations and floor plans that reflect all architectural changes be provided to the City of College Park for review and comment.**
6. **Condition 8 of PGCPB No. 12-06 (A) shall be deleted.**
7. **Prior to signature approval, and notwithstanding any other condition of PGCPB no. 12-06 (A), the applicant shall revise the west elevation to replace the metal cladding on the 2nd, 3rd and 4th floors of the northwest and southwest corners with brick and extend the metal cladding of the northwest corner on the 5th and 6th floors to reduce the width of the adjacent hardipanel column all per Attachment 3 dated October 19, 2012.**
8. **Prior to signature approval, the applicant shall revise the 3-story portion of the building as described in condition no. 3 above to show a flat roof and replace the cast stone on the ground floor with brick per Attachment 4 dated October 19, 2012.**
9. **Prior to signature approval, and notwithstanding any other condition of PGCPB no. 12-06 (A), the applicant shall revise the north elevation of the stepped-down 6-story portion of the building to replace the hardipanel with brick on the first 3 floors including the 5 floors of the stair tower per Attachment 6 dated October 19, 2012.**

The vote on the main motion, as amended:

Yes: Kabir, Wojahn, Catlin, Dennis, Afzali, Mitchell

No: Stullich, Day

The motion carried 6 – 2- 0.

12-R-21 Resolution Of The Mayor And Council Of The City Of College Park, Maryland, To Approve An Ethics Commission Regulation Concerning Outside Employment

A motion was made by Councilmember Afzali and seconded by Councilmember Day to adopt 12-R-21, a Resolution Of The Mayor And Council Of The City Of College Park, Maryland, To Approve An Ethics Commission Regulation Concerning Outside Employment.

Councilmember Afzali stated that the proposed regulation allows City officials and employees to hold purely ministerial or administrative positions with state, federal or local government employers who have contractual relationships with the city, upon disclosure of the employment to the City and approval by the ethics commission.

There were no comments from the audience.

Councilmember Mitchell recused herself.

The motion passed 7 – 0 – 1 (Mitchell abstained).

12-O-10 Introduction of 12-O-10, An Ordinance Of The Mayor And Council Of The City Of College Park, Maryland, Amending Chapter 175 “Taxation” To Add Article IV, “Revitalization Tax Credit”, Section 175-5 , “Purpose”; §175-6, Authority To Establish Revitalization Tax Credit Districts; §175-7 Revitalization Tax Districts Established; §175-8 Authority To Grant A Tax Credit For Real Property Located In A Revitalization Tax Credit District; §175-9 Eligibility Requirements; §175-10 Eligibility Criteria; §175-11 Tax Credit – Amount And Term; §175-12 Application Process; And §175-13 Waiver, To Set Criteria For And Establish Revitalization Tax Districts, Grant A Tax Credit Against The City Property Tax Imposed On Real Property Within The Districts And Establish Eligibility Criteria For The Tax Credit.

A motion was made by Councilmember Catlin and seconded by Councilmember Wojahn to introduce Ordinance 12-O-10. Councilmember Catlin read the title of the ordinance.

Mayor Fellows stated the Public Hearing will be held on Tuesday, November 27 at 7:15 p.m.

12-G-115 Appointments To Boards and Committees

A motion was made by Councilmember Afzali and seconded by Councilmember Wojahn to appoint Bonnie McClellan and Greg Waterworth to the Neighborhood Stabilization and Quality of Life Workgroup. The motion passed 7 – 0 – 0 (Councilmember Mitchell was absent from the Council Chambers).

COUNCIL COMMENTS:

Councilmember Wojahn said the first meeting of the Neighborhood Stabilization and Quality of Life Workgroup will be held on Tuesday, October 30 at 7:00 p.m. in Council Chambers.

Councilmember Catlin discussed attendance at Homecoming this past weekend.

Councilmember Dennis introduced a guest in the audience who is interested in being appointed to a City committee.

Councilmember Stulich said she has received many complaints about PEPCO’s tree trimming initiatives and requested they come to a future Worksession to discuss. Other Councilmembers weighed in on the matter. Councilmember Wojahn said the matter also involves the Public Service Commission and our state delegation.

Councilmember Mitchell attended the PEPCO Community Advisory Group meeting that was held on Monday, October 22. The next meeting will be held in December.

Councilmember Dennis said he approached staff at the NOAA Center for Weather and Climate Prediction about scheduling a tour of the new facility.

Comments from the audience:

Charlene Mahoney, 8110 48th Avenue: She looks forward to serving as a member of a City Committee in the future.

Adjourn: A motion was made by Councilmember Afzali and seconded by Councilmember Dennis to adjourn the meeting. Mayor Fellows adjourned the meeting at 9:28 p.m. with a vote of 8 – 0 – 0.

Janeen S. Miller, CMC	Date
City Clerk	Approved

Pursuant to §C6-3 of the College Park City Charter, at 10:12 p.m. on Tuesday, October 16, 2012, in the Council Chambers of City Hall, a motion was made by Councilmember Wojahn and seconded by Councilmember Mitchell to enter into a Closed Session for the following reasons:

G: To Consult with Counsel on a legal matter

The motion passed 8 – 0 – 0.

Present: Mayor Fellows; Councilmembers Kabir, Wojahn, Dennis, Catlin, Stullich, Day, Afzali and Mitchell.

Absent: None.

Also Present: Joe Nagro, City Manager; Janeen Miller, City Clerk; Suellen Ferguson, City Attorney; Chantal Cotton, Assistant to the City Manager; Terry Schum, Director of Planning; Bob Ryan, Director of Public Services; Steve Groh, Director of Finance.

Topics Discussed: The City Attorney advised the City Council about recent developments regarding the proposed Maryland Book Exchange project.

Actions Taken: None.

Adjourn: A motion was made by Councilmember Wojahn and seconded by Councilmember Day to adjourn the Closed Session, and with a vote of 8 – 0 – 0, Mayor Fellows adjourned the Closed Session at 10:27 p.m.